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REMARKS

The application has been reviewed in light of the Office Action dated January 26, 2009. Claims 45-60 were pending, with claims 1-44 having previously been canceled, without prejudice or disclaimer. By this Amendment, claims 45, 52 and 58 have been amended to clarify the claimed subject matter, and new claims 61-64 have been added. Support for the amendments can be found in the application as originally filed at, for example, page 7, ln. 23-26 and page 9, ln. 18-24 of the present application. Accordingly, claims 45-64 would be pending upon entry of this amendment, with claims 45, 52 and 58 being in independent form.

Claims 45-60 were rejected under 35 U.S.C. § 103(a) as purportedly unpatentable over U.S. Patent No. 7,124,099 to Mesaros in view of U.S. Patent No. 6,078,897 to Rubin and further in view of Postelnik (US 2006/0218054 A1).

Applicant respectfully submits that the present application is allowable over the cited art, for at least the reason that the cited art fails to disclose or suggest the aspects of the present application of *determining based on customer side information and an initial specified quantity whether an initial order is to be treated as a retail-customer-to-business transaction or as a business-to-business transaction.*

Mesaros and Rubin, as acknowledged in the Office Action, do not disclose the above-mentioned aspects of the present application.

Postelnik, as understood by applicant, proposes a system, as shown in Fig. 2 (reproduced below) of Postelnik, wherein a customer 102 submits an "order request" to a client 105 which in turn submits the order request to an order request servicing system 110 which then selects one or more fulfillment partners (including suppliers, resellers, distributors, and manufacturers that have a contractual relationship to the client) in order to fulfill the order request, and transmits the

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order request to order request management systems 120 (of the fulfillment partners).

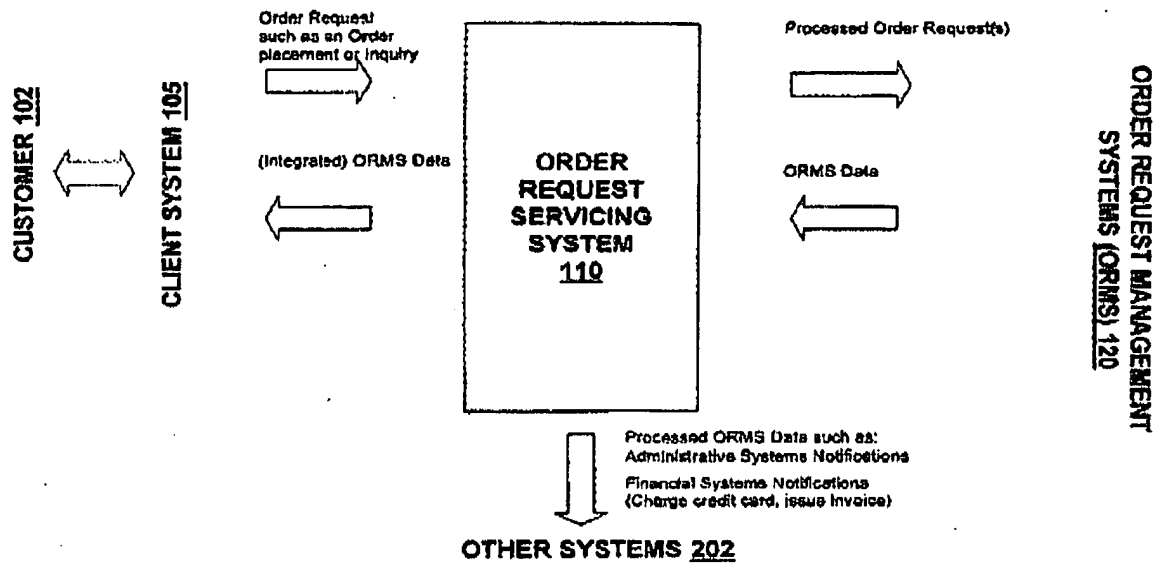


FIG. 2

The system of Postelnik responds to a variety of order requests including an actual order (for goods or services), an order request to view information related to orders, an order request to return an item previously ordered, an order request to change or cancel a previous order request, and so forth.

It is contended in the Office Action that Postelnik teaches that it is known to "determine the type of initial order, and treating the initial order based on the determination".

However, Postelnik merely analyzes an order request and determines the *type of the "order request"* as described above. That is, the order request servicing system 110 of Postelnik includes an Analyze Order request/Response and Create Necessary Transactions module 520 which analyzes the order request from the client in order to check the type of the order request (i.e. whether it is an actual order, an order request to return an item previously ordered, an order request to cancel a previous order, etc).

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Postelnik does NOT disclose or suggest *determining whether an initial order is to be treated as a retail-customer-to-business transaction or as a business-to-business transaction*, either based on customer side information, an initial specified quantity, or on any other basis.

Postelnik proposes that the order request servicing system 110, when analyzing an order request, can have access to business relationship objects 314, business rules 522 and business relationship data 524 which contain information identifying business relationships of the client and associated business rules to be used in fulfilling the order for the client. Such information is used to select at least one order request management system 120 to fulfill a portion or all of the order request, but is NOT used to determine *whether an initial order is to be treated as a retail-customer-to-business transaction or as a business-to-business transaction*.

Postelnik, like the other cited references, simply does not disclose or suggest the above-mentioned aspects of the present application of *determining based on customer side information and an initial specified quantity whether an initial order is to be treated as a retail-customer-to-business transaction or as a business-to-business transaction*.

Applicant respectfully submits that the cited art, even when considered along with common sense and common knowledge to one skilled in the art, simply does not teach or suggest the above-mentioned aspects of the present.

Accordingly, applicant respectfully submits that independent claims 45, 52 and 58 and the claims depending therefrom, are patentable over the cited art.

In view of the remarks hereinabove, applicant submits that the application is now in condition for allowance. Applicant earnestly solicits the allowance of the application.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Patent Office is hereby authorized to charge any

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fees that are required in connection with this amendment and to credit any overpayment to our
Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner
is respectfully requested to call the undersigned attorney.

Respectfully submitted,



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PT/RJM